

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

s/ John S. Bryant
U.S. Magistrate Judge

JAMES BEARDEN AND SHEILA
BEARDEN, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

HONEYWELL INTERNATIONAL INC.

Defendant.

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)
) Case No. 3:09-cv-01035
)
) Judge Trauger
)
) DEMAND FOR JURY TRIAL
)
) COMPLEX LITIGATION
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**PLAINTIFFS' MOTION TO WITHDRAW AND AMEND MOTION TO COMPEL
PRODUCTION OF DOCUMENTS**

On February 10, 2010, Plaintiffs filed a Motion to Compel Production of Documents, Docket No. 92 (the "Motion to Compel"). Defendant alleges an exhibit filed with the Motion to Compel is a privileged document subject to the parties' protective order in this case, Docket No. 64. Defendant requested Plaintiffs amend its Motion to Compel by refiling a motion to compel with the allegedly privileged document removed. Pursuant to Defendant's request, Plaintiffs are filing this Motion to Withdraw and Amend Motion to Compel the Production of Documents. A copy of Plaintiffs' Amended Motion to Compel is included as an exhibit to this Motion to Withdraw and Amend. Plaintiffs and Defendant have agreed that this will not reset Defendant's time to respond, but Defendant has requested two or three extra days to review the Amended Motion to Compel and respond. Accordingly, Plaintiffs respectfully request the Court allow Plaintiffs to withdraw its Motion to Compel filed on February 10, 2011 and consider only Plaintiffs Amended Motion to Compel filed today, February 25, 2010.

Respectfully submitted,

Dated: February 25, 2010

By: /s/ Benjamin A. Gastel
Michael G. Stewart (BPR#16920)